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CLERK, U.S. DIST. COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Ruben GONZALES Silos (aka Juan Pablo Bautista)** Defendant.	Magistrate Case No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **February 24, 2008**, within the Southern District of California, defendant, **Ruben GONZALES Silos (aka Juan Pablo Bautista)**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **February 2008.**

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
NAME: GONZALES Silos, Ruben (aka BAUTISTA, Juan Pablo)

PROBABLE CAUSE STATEMENT

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Sunday, February 24, 2008, the defendant identified as Ruben GONZALES Silos (aka Juan Pablo BAUTISTA) was arrested in San Diego, California by the San Diego Police Department for violation of PC273.5 "INFLICT CORPORAL INJURY SPOUSE/COHAB" and booked into San Diego County Jail. On Sunday, February 24, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On Thursday, February 28, 2008, at approximately 11:00 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer John Mleczko reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about May 20, 2003 and physically removed to Mexico on or about May 20, 2003 via the Otay Mesa Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Ruben GONZALES Silos (aka Juan Pablo BAUTISTA), a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico, was ordered removed to Mexico and has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Ruben GONZALES Silos (aka Juan Pablo BAUTISTA) has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.